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6 *Attorneys for Defendants City of Reno,
Oliver Miller, Robert Knight, and Anthony Elges*

7 UNITED STATES DISTRICT COURT
8
9 DISTRICT OF NEVADA

10 SCOTT KANVICK,

Case No. 06-CV-00058-PMP-RAM

11 Plaintiffs,

12 vs.

13 CITY OF RENO, OFFICER ANTHONY
ELGES, OFFICER OLIVER MILLER, AND
14 OFFICER ROBERT KNIGHT and CITY
15 CENTER LIMITED PARTNERSHIP, dba
CITY CENTER APARTMENTS,

16 Defendants.
17 _____/

18 **MOTION TO STRIKE**

19 COMES NOW, Defendants CITY OF RENO, AND OFFICERS ANTHONY ELGES,
20 OLIVER MILLER AND ROBERT KNIGHT (hereinafter CITY OF RENO), and hereby move
21 this Court for an order striking Plaintiff's Second Reply and Opposition to Reno Defendants
22 Motion for Summary Judgment filed in the above matter on or about September 10, 2007.
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1 This motion is based upon all pleadings and papers on file herein, the attached
2 Memorandum of Points and Authorities, and any additional or further evidence this Court may
3 deem just and proper.

4 DATED 21st this day of September, 2007.

5 JOHN J. KADLIC
6 Reno City Attorney

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8 By: /s/ Jack D. Campbell
9 **JACK D. CAMPBELL**
10 Deputy City Attorney
11 Nevada State #**4938**
12 Post Office Box 1900
13 Reno, Nevada 89505
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15 *Attorneys for Defendants City of Reno,*
16 *Oliver Miller, Robert Knight,*
17 *and Anthony Elges*

MEMORANDUM OF POINTS AND AUTHORITIES

**I.
DISCUSSION**

On or about September 10, 2007, Plaintiff filed Second Reply and Opposition to Reno Defendants Motion for Summary Judgment.

This “second” reply in opposition to a motion for summary judgment is not provided for by any statute, rule, or applicable authority. This “motion” is nothing more than a transparent supplement of Plaintiff’s Opposition to the CITY OF RENO’S Motion for Summary Judgment.

LR 7-2 provides the rules related to filing of motions, oppositions and replies related thereto. Said Rule or any other authority does not contemplate or allow a second opportunity by an opposing party to respond to or reply to a motion which includes a motion for summary judgment as is the matter addressed herein.

As such, this “second reply” is a violation of LR 7-2. Furthermore, Plaintiff made no attempt to seek nor did he receive, leave of court to file any supplement.

**II.
CONCLUSION**

CITY OF RENO respectfully requests that Plaintiff’s “Second Reply” be stricken and not be considered or allowed in direct violation of L R 7-2.

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1 As Plaintiff did not have leave of court to file an additional supplement to his opposition
2 to the Motion for Summary Judgment, Plaintiff's "Second Reply" should be stricken.

3 DATED 21st this day of September, 2007.

4 JOHN J. KADLIC
5 Reno City Attorney

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7
8 By: /s/ Jack D. Campbell
9 JACK D. CAMPBELL
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17 *and Anthony Elges*
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CERTIFICATE OF SERVICE

Pursuant to FRCP (5)b, I certify that I am an employee of the RENO CITY ATTORNEY'S OFFICE, and that on this date, I am serving the foregoing document(s) on the party(s) set forth below by:

X Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United State Mail, at Reno, Nevada, postage prepaid, following ordinary business practices.

X CM/ECF Federal Court Filing

 Personal delivery.

 Facsimile (FAX).

 Federal Express or other overnight delivery.

 Reno/Carson Messenger Service.

addressed as follows:

Scott Kanvick #88169
NSP PO Box 607
Carson City NV 89702

Michael J Morrison Esq.
1495 Ridgeview Dr. #220
Reno, NV 89509
Attorney for Citi-Center Apts.

DATED this 21st day of September, 2007.

/s/ Tamme Sutton

TAMME SUTTON

Legal Assistant

CERTIFICATE OF SERVICE

Pursuant to FRCP (5)b, I certify that I am an employee of the RENO CITY ATTORNEY'S OFFICE, and that on this date, I am serving the foregoing document(s) on the party(s) set forth below by:

_____ Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United State Mail, at Reno, Nevada, postage prepaid, following ordinary business practices.

_____ Personal delivery.

_____ Facsimile (FAX).

_____ Federal Express or other overnight delivery.

_____ Reno/Carson Messenger Service.

addressed as follows:

[Plaintiff's Attorney Name], Esq.
[Physical &/or Mailing Address]
[City, State Zip Code]

Attorney for Plaintiff

DATED this _____ day of _____, 2002.

[Staff Name]